

TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Barbara McDaniel, MMC, Assistant Town Clerk / 954-797-1023

PREPARED BY: Barbara McDaniel, MMC, Assistant Town Clerk

SUBJECT: Minutes

AFFECTED DISTRICT: n/a

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: June 17, 2009 (Regular Meeting)

REPORT IN BRIEF: Council minutes from the June 17, 2009 Council meeting.

PREVIOUS ACTIONS: n/a

CONCURRENCES: n/a

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S): Other - Motion to approve

Attachment(s): June 17, 2009 minutes

**TOWN OF DAVIE
REGULAR MEETING
JUNE 17, 2009**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 6:32 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present at the meeting were Mayor Paul, Vice-Mayor Crowley, and Councilmembers Caletka, Luis and Starkey. Also present were Town Administrator Shimun, Town Attorney Rayson, and Town Clerk Muniz recording the meeting.

Mayor Paul advised that staff had requested tabling item 6.7 to July 29, 2009.

Councilmember Caletka made a motion, seconded by Councilmember Starkey, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Paul reported that item 4.27 needed to be added.

Councilmember Starkey made a motion, seconded by Councilmember Caletka, to add. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Paul stated that item 8.2 needed to be added.

Councilmember Luis made a motion, seconded by Vice-Mayor Crowley, to add. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Paul reported that item 10 needed to be added.

Councilmember Starkey made a motion, seconded by Councilmember Luis, to add. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Starkey recognized Wilton Manors Mayor Gary Resnick being present.

3. PRESENTATIONS

3.1 Legislative Wrap Up - David Sigerson and Candice Ericks

David Sigerson, David Ericks and Candice Ericks provided a summary of the legislative session.

Mr. Sigerson believed Davie should meet with other municipalities to engage the Florida Department of Transportation (FDOT) about the toll lanes proposed for I-595. He felt that the new requirement for the property appraiser to justify the amount of taxes levied on a home was a positive thing for homeowners. Mr. Sigerson said that the tax collectors would now accept partial tax payments, which he believed would result in the Town receiving more revenue.

Mr. Ericks agreed that the legislative session had been difficult. He explained that there had been a bill to create a regional Fire District provider, and the tax to support this would have been voted on by the electorate, which almost all cities opposed. The bill had passed, but it had been amended to eliminate a designated service provider, and if the County Commission decided to go forward with it, it would be a straight vote on whether or not a municipality wanted to adopt an additional penny tax to divide among the cities' pro rata to help support their fire departments. Another bill would have required the Town to bid out every work project of \$5,000 or more. This bill had also passed, but after being modified to pertain to \$300,000 contracts or \$75,000 worth of electrical work.

Mr. Ericks stated that it appeared that Tallahassee was "out to get us at the local government level and have been passing numerous bills over the last couple of years to limit your ability to raise revenue or to limit you, or to put mandates on you that cost money or to hem in your home rule power." Regarding Senate Bill 360, he stated that on the one hand, this represented a brave new world because it eliminated the necessity to comply with transportation concurrency. On the other hand, it was very

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broad, defining a dense urban area as any area that had 1,000 people per square mile or more, which was essentially one and one-half persons per acre. Mr. Ericks said that they had amended the Affordable Housing Bill onto this bill, which included a significant provision for municipalities with large mobile home stock: that manufactured housing would qualify for SHIP funds and for various affordable housing funds.

Mayor Paul asked Mr. Ericks' opinion of Senate Bill 360, and Secretary Pehlam's recent remarks regarding what municipalities could require of developers. Mr. Ericks believed there was inconsistency in the Bill regarding home rule authority, and the Bill could end up being the subject of a lawsuit.

Mayor Paul asked if any funding had been included for the mobile home SHIP and affordable housing funds. Mr. Ericks stated that statutorily, mobile homes could now qualify for the funds, but the Affordable Housing Trust Fund along with all of the other large trust funds, had been "raided and pillaged by the legislature" to make up for deficits.

Mr. Sigerson explained that another bill had passed that prohibited the use of taxpayer money to fight ballot initiatives, which he felt had been very poorly crafted. He hoped that Council would bring this issue up with the League of Cities, and him to go back and make some exceptions to this bill.

The meeting recessed at 6:55 p.m. and the meeting reconvened at 6:59 p.m.

4. APPROVAL OF CONSENT AGENDA

Minutes

4.1 May 20, 2009 (Regular Meeting)

Resolutions

4.2 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2009-136 AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT BETWEEN THE
TOWN OF DAVIE AND DRAGADOS USA, INC., FOR UTILITY WORK
IDENTIFIED AS I-595 ROADWAY IMPROVEMENTS PROJECT; AND
PROVIDING FOR AN EFFECTIVE DATE. (tabled from June 3, 2009)

4.3 **MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2009-137 APPROVING A REQUEST FOR MITIGATION OF CODE COMPLIANCE LIENS
IN CASE NO. 06-1225 FROM \$178,000.00 IN AMOUNT TO \$143,410.98; AND
PROVIDING AN EFFECTIVE DATE. (tabled from June 3, 2009)

4.4 **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2009-138 AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH A & B
TOWING SERVICE TO AWARD A TOWING FRANCHISE. (\$230,000/year
revenue)

4.5 **CONTRACT RENEWAL** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2009-139 FLORIDA, APPROVING THE FIRST RENEWAL OF THE CONTRACT WITH
FLORIDA TESTING SERVICES, LLC D/B/A XENCO LABORATORIES FOR
LABORATORY TESTING SERVICES. (\$46,000)

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- 4.6
R-2009-140 **CONTRACT EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN EXTENSION OF THE EXISTING CONTRACT WITH ACAI ASSOCIATES, INC. FOR MISCELLANEOUS ARCHITECTURAL SERVICES.
- 4.7 **CONTRACT EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN EXTENSION OF THE EXISTING CONTRACT WITH CPZ ARCHITECTS FOR MISCELLANEOUS ARCHITECTURAL SERVICES.
- 4.8
R-2009-142 **CONTRACT EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA APPROVING THE FIRST EXTENSION FOR COLLECTION AND DISPOSAL OF SOLID WASTE, BULK WASTE, RECYCLING, AND CONSTRUCTION AND DEMOLITION DEBRIS BETWEEN THE TOWN OF DAVIE AND WASTE MANAGEMENT, INC OF FLORIDA; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. (\$3,186,839.17)
- 4.9 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ENTER INTO A "STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION LOCALLY FUNDED AGREEMENT" FOR LANDSCAPE AND IRRIGATION IMPROVEMENTS ALONG SR-7/US-441 FROM ORANGE DRIVE (M.P.6.485) NORTH TO I-595 (M.P.7.400) (Town's share - \$62,775)
- 4.10
R-2009-143 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ENTER INTO A "STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION DISTRICT FOUR (4) MAINTENANCE MEMORANDUM OF AGREEMENT - INCLUSIVE AGREEMENT.
- 4.11
R-2009-144 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO APPROVE A HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAM CONSORTIUM COOPERATION AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE FOR FY 2009-2011 FOR THE TOWN TO RECEIVE HOME FUNDS TO PROVIDE AFFORDABLE HOUSING THROUGH MEMBERSHIP IN A HOME CONSORTIUM ALONG WITH TEN OTHER CITIES AND PROVIDING AN EFFECTIVE DATE.

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- 4.12
R-2009-145 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT UNDER ADDENDUM TO STATE EMS GRANT FUNDS FOR PARTICIPATING AGENCIES, ATTACHED HERETO AS EXHIBIT "D" ON A PROJECT APPLICATION FOR ONE (1) LOW PRESSURE RESCUE AIR CUSHIONS (26 TON KEVLAR) FOR USE BY THE DAVIE FIRE RESCUE TECHNICAL RESCUE TEAM UNDER THE AGREEMENT BETWEEN BROWARD COUNTY AND CITY OF SUNRISE FOR STATE EMS COUNTY GRANT FUNDING UNDER STATE CONTRACT 08-HSD-EMS-8151-01.
- 4.13
R-2009-146 **AGREEMENT/FEE WAIVER** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN JOANA BUENO PRODUCTIONS, LLC FOR THREE DATES AND THE TOWN OF DAVIE TO HOLD A SERIES OF BRAZILIAN RODEO AND CONCERT FESTIVALS AND WAIVING FEES FOR ONE DATE IN EXCHANGE FOR PROMOTIONAL ADVERTISEMENT. (\$3,000 arena rental fee for two days and \$1,500 one day fee waiver)
- 4.14
R-2009-147 **AGREEMENT/FEE WAIVER** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE TOWN TO ENTER INTO A FIELD RENTAL AGREEMENT WITH THE DAVIE TACKLE FOOTBALL CLUB, INC. FOR USE OF FOUR ATHLETIC FIELDS AT DAVIE PINE ISLAND PARK TO CONDUCT A YOUTH TACKLE FOOTBALL AND CHEERLEADING PROGRAM AND TO AUTHORIZE A FEE WAIVER FOR SAID USE. (fee waiver - \$9,237)
- 4.15
R-2009-148 **GRANT/ACCEPTANCE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPLICATION FOR A \$1.1 MILLION GRANT FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY, 2009 ASSISTANCE TO FIREFIGHTERS FIRE STATION CONSTRUCTION GRANT PROGRAM FOR FIRE STATION 86; AND AUTHORIZING ACCEPTANCE AND EXECUTION OF THE GRANT, IF AWARDED (WITH \$1.1 MILLION MATCHING FUNDS).
- 4.16
R-2009-149 **GRANT/ACCEPTANCE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPLICATION FOR A \$88,000 GRANT FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY, 2009 ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM; AND AUTHORIZING ACCEPTANCE AND EXECUTION OF THE GRANT, IF AWARDED (WITH \$22,000 MATCHING FUNDS).
- 4.17
R-2009-150 **GRANT/ACCEPTANCE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE DEPARTMENT OF ENERGY FOR THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM (EECBG) AND AUTHORIZING ACCEPTANCE AND EXECUTION OF THE GRANT, IF AWARDED; AND PROVIDING FOR AN EFFECTIVE DATE.

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- 4.18
R-2009-151 **PURCHASE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE DAVIE FIRE RESCUE DEPARTMENT TO PURCHASE SNAP-TITE FIRE HOSES FROM MUNICIPAL EQUIPMENT COMPANY, A SINGLE SOURCE PROVIDER IN THE AMOUNT OF \$59,911.50.
- 4.19
R-2009-152 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A RENEWAL OF THE CONTRACT AWARDED BY THE CITY OF POMPANO BEACH, BID NUMBER H-41-07, FOR WATER METERS AND WATER METER PARTS. (Sunstate Meter and Supply - \$170,000)
- 4.20
R-2009-153 **SELECTION OF FIRM** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRM OF FRED FOX ENTERPRISES, INC. TO PROVIDE ADMINISTRATIVE SERVICES FOR THE NEIGHBORHOOD STABILIZATION PROGRAM AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH SERVICES.
- 4.21
R-2009-154 **SELECTION OF FIRM** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRM OF THE URBAN GROUP, INC. TO PROVIDE APPRAISAL SERVICES FOR THE NEIGHBORHOOD STABILIZATION PROGRAM AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH SERVICES.
- 4.22
R-2009-155 **SELECTION OF FIRM** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRM OF COMMUNITY REDEVELOPMENT ASSOCIATES OF FLORIDA, INC. TO PROVIDE PURCHASE ASSISTANCE SERVICES FOR THE NEIGHBORHOOD STABILIZATION PROGRAM AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH SERVICES.
- 4.23
R-2009-156 **DELEGATION REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON THE PLAT KNOWN AS "MJB/DAVIE I," AND PROVIDING AN EFFECTIVE DATE. (DG 4-1-09, MJB/Davie I, 8151 Stirling Road)
- 4.24
R-2009-157 **PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PLAT KNOWN AS "BANK OF AMERICA, WEST STIRLING" AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 8-1-08, Bank of America, 6300 Stirling Road) *P & Z Board recommended approval [see related items 4.26 and 6.6]*

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- 4.25 **PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A
R-2009-158 PLAT KNOWN AS THE "I-595 COMMERCE CENTER" AND AUTHORIZING
THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY
AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SAID
PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 11-1-08, I-595 Commerce
Center, SW 64 Avenue and SW 30 Street) *P & Z Board recommended approval*

Quasi-Judicial Consent Agenda

- 4.26 SP 6-2-08, Bank of America, 6300 Stirling Road (B-2) *Site Plan Committee
recommended approval based on the planning report and the recommendations
therein; 1) to increase the turning radius at the curve lines of the entrance and exit at
the first lane of the drive-thru; 2) change the compact parking by reducing the number
of parking spaces and have all the parking as standard spaces; 3) on the elevations,
eliminate the quoin stucco at the corners; and 4) review the night sky ordinance and
meet the terms of that ordinance by the time of Council's review [see related items
4.24 and 6.6]*

Item to be added

- 4.27 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SUPPORTING AND
R-2009-141 AUTHORIZING THE SUBMISSION OF THE TOWN'S APPLICATION JOINTLY
WITH CRISIS HOUSING SOLUTIONS, A DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT (HUD) APPROVED COUNSELING AGENCY, TO HUD
FOR NEIGHBORHOOD STABILIZATION PROGRAM 2 (NSP 2) FUNDS AND
AUTHORIZING THE TOWN ADMINISTRATOR TO EXECUTE THE
APPLICATION AND ANY ADDITIONAL DOCUMENTS REQUIRED TO BE
SUBMITTED REQUESTING THE NEIGHBORHOOD STABILIZATION
PROGRAM S (NSP 2) FUNDS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Caletka pulled items 4.2, 4.8, 4.9, 4.10 and 4.20 from the Consent Agenda.
Councilmember Luis pulled item 4.7. Vice-Mayor Crowley pulled item 4.4. Mayor Paul pulled items
4.1 and 4.14.

Councilmember Starkey made a motion, seconded by Councilmember Caletka, to approve the
Consent Agenda less items 4.1, 4.2, 4.4, 4.7, 4.8, 4.9, 4.10, 4.14 and 4.20. In a voice vote, all voted in
favor. (Motion carried 5-0)

5. DISCUSSION OF CONSENT AGENDA ITEMS

4.1 Mayor Paul requested that this item be tabled to July 29, 2009.

Vice-Mayor Crowley made a motion, seconded by Councilmember Starkey, to table. In a voice
vote, all voted in favor. (Motion carried 5-0)

4.2 Councilmember Caletka did not see why this resolution was needed. He saw no benefit
to the Town, but saw a potential for liabilities.

Councilmember Caletka made a motion to deny. Motion died due to the lack of a second.

Councilmember Luis felt the I-595 project would not be the best thing for the Town since they
would recover no funds from the Lexus lanes. He indicated that he traveled this road daily and noted
that it was obsolete and needed work. Therefore, the project should go forth.

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Utilities Director Bruce Taylor explained the contract was for the east side of 441, north of State Road 84, and would provide the right to relocate utility lines in the DOT easement to install a sound barrier wall

Councilmember Starkey made a motion, seconded by Councilmember Luis, to approve. In a voice vote, with Councilmember Caletka dissenting, all voted in favor. (Motion carried 4-1)

4.4 Vice-Mayor Crowley said that he wanted franchise contracts to be presented to Council, not just the Administrator.

Vice-Mayor Crowley made a motion, seconded by Councilmember Starkey, to approve subject to the condition that the extension of the five-year contract would come back to Council for approval. In a voice vote, with Councilmember Luis dissenting, all voted in favor. (Motion carried 4-1)

4.7 Councilmember Luis believed this was the same architect who had been handling generators for Town buildings. Based upon that, he felt the Town could not afford this architect because his prices were higher than average and asked Council not to extend this contract.

Councilmember Caletka asked staff how much the contractor had been paid in the past year. Councilmember Starkey said that there had been an RFP for this and asked to see the comparison.

Procurement Manager Herb Hyman could not state how much the contractor had been paid in the past year, but explained that an architect would usually be paid 9 to 12% of the project contract price, which was negotiated by Public Works Director Manny Diez. Mr. Hyman informed Councilmember Starkey that State Statutes prohibited staff from discussing price with an architect until they were in negotiations. During the RFP process, they could only discuss qualifications. Councilmember Starkey remembered reducing the architect's estimate before approving the selection and asked that staff investigate this.

Councilmember Luis remembered a situation two months ago when the Town had a government grant to obtain generators for five buildings. The architectural fee to draw the plans for the slab and hook up had been \$83,000. He said that he had never heard of fees this high, and the Town could not afford prices such as this. Mr. Hyman informed Council that if they denied item 4.7, Acai and Associates would be the only architect the Town would have under contract. He confirmed for Councilmember Starkey that Council had set the same hourly rate for all architects, but he noted that every architect developed his or her own estimate for how many hours a job would take.

Councilmember Caletka wanted to table this until July 29th to have more of his questions answered.

Vice-Mayor Crowley made a motion, seconded by Councilmember Starkey, to table to July 29, 2009. In a voice vote, all voted in favor. (Motion carried 5-0)

4.8 Councilmember Caletka said that he had pulled this item in order to voice his objection to public participation in Consent Agenda items. Vice-Mayor Crowley agreed. Councilmember Starkey felt the public had a right to provide input on any matter that came before the Council.

Jill Farber stated that Pined Island Ridge was now paying twice what they had paid to Waste Management before they had become part of Davie. She said that Mayor Paul had stated that another trash hauler would save the residents 30 to 40% and give the Town \$3 million. Ms. Farber would rather see that money kept in the Town with residents.

Mayor Paul said that it was built into the contract that Waste Management gave a lot back to the Town. This included providing waste pickup and port-a-potties for events and giving 4.5% of their gross revenue every month to the Town.

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Councilmember Starkey thought the Pine Island Ridge annexation agreement specified that their trash and recycle company would be bid separately from the Town's. Tony Spadeccia, representing Waste Management, clarified that after five years, the annexation agreement specified that Pine Island Ridge trash service reverted to the Town's system, at the Town's rate schedule. He stated that today, Pine Island Ridge residents' trash fees averaged "half the price of a single-family residence...around \$11 a month." The fee also included unlimited recycling.

Arthur Joseph felt Waste Management did an excellent job, but thought the agenda item lacked information. He wanted to know the length of the contract extension and whether rates would increase. Mr. Joseph also felt some residents were "scamming the system" by overloading their garbage cans. In such cases, he wanted trash collectors to red tag these trashcans and not pick them up.

Councilmember Caletka informed Mr. Joseph that it was a four-year contract, and the first year contained no increase. Regarding overloading the trash cans, Councilmember Caletka stated that some residents did not necessarily put their trash out for every pickup, so they sometimes put out an overloaded can.

Mr. Shimun advised Vice-Mayor Crowley that Waste Management had agreed to everything he had requested during negotiations.

Vice-Mayor Crowley made a motion, seconded by Councilmember Luis, to approve. In a voice vote, with Mayor Paul dissenting, all voted in favor. (Motion carried 4-1)

Mayor Paul thought it was important for the Town to consider other possibilities, especially if they could realize cost savings. She had wanted to consider a one-year contract.

Councilmember Caletka said that according to one of the other trash companies' lobbyists, cost savings could be realized only by cutting services and franchise fees.

4.9 Councilmember Caletka said that this agreement meant the Town would give money to FDOT for landscaping, which the Town would then be responsible to maintain. He wanted to deny items 4.9 and 4.10.

Councilmember Caletka made a motion, seconded by Vice-Mayor Crowley, to deny.

Vice-Mayor Crowley believed they must get away from relying on irrigation in the medians. He noted there were plants that could be used that were more drought-tolerant.

Councilmember Starkey was concerned that if they denied this now, any future landscaping they wanted for that area could become a problem. She asked Mr. Shimun if there was an opportunity to renegotiate this. Mr. Shimun said that this was a "take it or leave it" proposition.

Councilmember Luis felt they would need to confront the irrigation issues eventually, but in the meantime, he believed the "lush areas that look good, bring a value to our residents that own property along these areas." He indicated that he was in support of the agreement.

Mayor Paul agreed with Vice-Mayor Crowley. Mayor Paul recommended native drought tolerant plants to get away from sod. She suggested tabling the item and speaking with FDOT to see if changes could be made.

Vice-Mayor Crowley felt they could work with developers to landscape the medians as those areas were developed.

In a voice vote, with Councilmember Starkey and Councilmember Luis dissenting, all voted in favor. (Motion carried 3-2)

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4.10 Councilmember Caletka made a motion, seconded by Vice-Mayor Crowley, to deny.

Assistant Public Works Manager Daniel Oyler explained that the Town already had approximately 15 existing FDOT agreements and the proposed resolution would combine the agreements into one. Mayor Paul clarified that if the proposed resolution was denied, staff would be working with numerous documents.

Vice-Mayor Crowley withdrew his second. The motion died due to the lack of a second.

Councilmember Luis made a motion, seconded by Vice-Mayor Crowley, to approve.

Councilmember Caletka wanted to amend the motion to strike the agreement Council had just denied. Mr. Shimun clarified that Council had denied one improvement; however, the Town still had maintenance agreements for other areas.

In a voice vote, with Councilmember Caletka dissenting, all voted in favor. (Motion carried 4-1)

4.14 Mayor Paul said that a resident had sent her an email regarding continuity of charges from one group to another. She asked if the money saved by outsourcing would cover the Town's expenses for maintenance. Parks and Recreation Director Dennis Andresky stated that the money saved by having the tackle football club run the program definitely offset the cost of field maintenance. Mayor Paul said that there was discussion on making all team fees equitable.

Michael Bartlett said that they had met the previous week with the Parks and Recreation Advisory Board, and they were seeking a recommendation that would apply to all clubs that wanted to use the fields. The Board supported the tackle football program because of the money it could save the Town. They would meet again on June 29th to try to develop a recommendation for Council.

Howard Cohn, president of Davie Tackle Football, explained that there were 14 teams in their league and none of these leagues paid field fees to their municipalities. He informed Council that Davie had been running at a \$40,000 - \$50,000 loss until Davie Tackle Football had taken over the program. Since then, the Town did not have that out-of-pocket expense. Mr. Cohen indicated that Davie Tackle Football had awarded 30 scholarships last year, and they were up to 75 this year, while their income was down 47%.

Mr. Bartlett said that they must find some way for sports teams to contribute to the Town.

Donna Friedewald said that her club would like the same consideration for a designated field and fees. When this was brought up at the June 3rd Council meeting, she said that it was decided that it would be equitable among the clubs.

Mr. Bartlett recommended Council grant a 50% reduction right now and wait for the outcome of the Parks and Recreation Advisory Board's June 29th meeting. Councilmember Starkey wanted to offer the 50% reduction now while an equitable plan was devised.

Councilmember Starkey made a motion, seconded by Mayor Paul, for a 50% waiver, pending the meeting with the Parks and Recreation Advisory Board to come up with a criteria plan to look at all the sports programs equitably. In a voice vote, all voted in favor. (Motion carried 5-0)

4.20 Councilmember Caletka believed the second-ranked local firm could do a better job than a firm from St. Augustine. Councilmember Luis agreed.

Housing Director Giovanni Moss said that the main issue was compliance with the Department of Community Affairs' Small Cities Community Development Program, which was very different from their Small Cities Community Development Program. While knowledge of local housing conditions was good, it was not essential for this program. Fred Fox Enterprises had more experience working with this particular funding agency.

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Councilmember Caletka was concerned that he could find nothing online about Fred Fox Enterprises Inc.

Vice-Mayor Crowley made a motion, seconded by Councilmember Starkey, to approve. In a voice vote, with Councilmember Caletka and Councilmember Luis dissenting, all voted in favor. (Motion carried 3-2)

6. PUBLIC HEARING

Ordinances - First Reading (Second and Final Reading to be held July 29, 2009)

- 6.1 **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE UTILITIES CODE, CHAPTER 25, BY ADDING ARTICLE IV, PROTECTION OF UNDERGROUND UTILITIES; SECTION 25-33 ENFORCEMENT OF PROTECTION OF UNDERGROUND UTILITIES; SECTION 25-34 DEFINITIONS; SECTION 25-35 MANDATORY PRE-EXCAVATION PROCEDURES; SECTION 25-36 EXEMPTIONS; SECTION 25-37 EXCAVATION IN THE ABSENCE OF UNDERGROUND FACILITIES MARKINGS BY MEMBER OPERATORS; SECTION 25-38 EXCAVATION PROCEDURES AND INSTALLATION OF FACILITIES; SECTION 25-39 NOTIFICATION UPON CONTACT; SECTION 25-40 ENFORCEMENT BY CIVIL VIOLATION PROCESS; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (tabled from June 3, 2009)

Mr. Rayson read the ordinance by title. Mayor Paul announced a public hearing on the ordinance would be held on July 29, 2009.

Mayor Paul opened the public hearing portion of the meeting. As no one spoke, Mayor Paul closed the public hearing portion of the meeting.

Councilmember Luis said that there were technical points in the ordinance he did not agree with and he just did not like the entire ordinance. He felt it would cause a problem two or three years in the future. Mr. Taylor explained that the reduction from 24 inches to 12 inches was to give the benefit of the doubt to the contractor.

Vice-Mayor Crowley acknowledged that some of the lines were not very deep and directional boring was not very precise. He said that he supported this to maintain the Town's interest, not the contractor's interest.

Vice-Mayor Crowley made a motion, seconded by Councilmember Starkey, to approve. In a roll call vote, the vote was as follows: Mayor Paul - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - no; Councilmember Luis - no; Councilmember Starkey - yes. (Motion carried 3-2)

- 6.2 **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES BY CREATING CHAPTER 18 SECTION 10 IMPACT FEES FOR POLICE, FIRE, PARKS & RECREATION AND GENERAL ADMINISTRATION SERVICES PROVIDING FOR DEFINITIONS; PROVIDING FOR IMPOSITION OF IMPACT FEES; PROVIDING FOR CREDITS; PROVIDING FOR ACCOUNTABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Rayson read the ordinance by title. Mayor Paul announced a public hearing on the ordinance would be held on July 29, 2009.

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Mayor Paul opened the public hearing portion of the meeting. As no one spoke, Mayor Paul closed the public hearing portion of the meeting.

Councilmember Starkey made a motion, seconded by Councilmember Luis, to approve. In a roll call vote, the vote was as follows: Mayor Paul - yes; Vice-Mayor Crowley - out of the room; Councilmember Caletka - yes; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 4-0)

- 6.3 **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA AMENDING THE TOWN OF DAVIE CODE OF ORDINANCES, CHAPTER 16, CREATING ARTICLE VI ENTITLED "FAIR HOUSING CODE" PROVIDING FOR A DECLARATION OF POLICY TO PROHIBIT DISCRIMINATION IN HOUSING ON THE BASIS OF RACE, COLOR, ANCESTRY, NATIONAL ORIGIN, RELIGION, SEX, MARITAL STATUS, FAMILIAL STATUS, HANDICAP OR AGE; PROVIDING DEFINITIONS; DESIGNATING AS UNLAWFUL CERTAIN DISCRIMINATORY PRACTICES IN THE SALE OR RENTAL OF HOUSING, AS WELL AS IN ADVERTISING IN CONNECTION THEREWITH, IN THE FINANCING OF HOUSING, AND IN BROKERAGE SERVICES RELATED TO EXCEPTIONS; PROVIDING FOR AN ADMINISTRATOR TO BE DESIGNATED BY THE TOWN COUNCIL AND PRESCRIBING THE GENERAL POWERS AND DUTIES OF SUCH ADMINISTRATOR, PRESCRIBING ACTION UPON A DETERMINATION OF PROBABLE CAUSE, AND AUTHORIZING THE PROMULGATION OF FORMS AND REGULATIONS; MAKING PROVISIONS FOR THE FILING OF COMPLAINTS AND RESPONSES THERETO, AND THE PROCESSING THEREOF BY THE ADMINISTRATOR; PROVIDING FOR ADDITIONAL REMEDIES; PROVIDING FOR PROHIBITING UNTRUTHFUL COMPLAINTS OR FALSE TESTIMONY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Rayson read the ordinance by title. Mayor Paul announced a public hearing on the ordinance would be held on July 29, 2009.

Mayor Paul opened the public hearing portion of the meeting. As no one spoke, Mayor Paul closed the public hearing portion of the meeting.

Councilmember Starkey made a motion, seconded by Vice-Mayor Crowley, to approve. In a roll call vote, the vote was as follows: Mayor Paul - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 5-0)

Mr. Rayson recommended changing the word "handicap" to "disability" for the second reading. Councilmember Starkey accepted this as an amendment to her motion and Councilmember Luis accepted it to his second.

- 6.4 **TRAINING PROGRAM/ASSESSMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ESTABLISHING A CRIMINAL JUSTICE EDUCATION AND TRAINING PROGRAM; AUTHORIZING THE ASSESSMENT OF AN ADDITIONAL TWO DOLLARS (\$2.00) IN CIVIL PENALTIES FOR EACH TRAFFIC INFRACTION COMMITTED WITHIN THE TOWN TO FUND THE PROGRAM; AND PROVIDING AN EFFECTIVE DATE.**

Mr. Rayson read the ordinance by title. Mayor Paul announced that a public hearing on the ordinance would be held on July 29, 2009.

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Mayor Paul opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Major Jim Moyer explained that once the training was established, there would be no additional cost to the Town. Mr. Shimun explained that this would supplement the training budget that came out of the General Fund.

Councilmember Luis made a motion, seconded by Councilmember Starkey, to approve. In a roll call vote, the vote was as follows: Mayor Paul - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 5-0)

Quasi-Judicial Items

6.5 **VARIANCE** - V 3-1-09, Graeser, 9065 Lake Park Circle South (PRD) (to reduce the minimum separation from the structure to the rear property line from 5 feet to 3.45 feet and to increase the rear yard coverage from 15% to 34%) Planning & Zoning Board recommended approval

Mr. Rayson read the request by title and swore in witnesses. Planning and Zoning Manager David Quigley summarized the staff report.

David Graeser, the applicant, said that the existing slab had been permitted by the Town in 1994; he now wanted to add a screened enclosure to it

Mr. Rayson opened the public hearing portion of the meeting. As no one spoke, Mr. Rayson closed the public hearing portion of the meeting.

Council gave their disclosures on this item.

Councilmember Starkey made a motion, seconded by Councilmember Luis, to approve. In a roll call vote, the vote was as follows: Mayor Paul - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 5-0)

6.6 **SPECIAL PERMIT** - SE 2-2-09, Bank of America Trailer, 6300 Stirling Road (B-2) (placement of a modular unit during construction) *Planning & Zoning Board recommended approval [see related items 4.24 and 4.26]*

Earlier in the meeting, Mr. Rayson read the request by title and swore in witnesses. Deputy Planning and Zoning Manager David Abramson summarized the staff report.

Gary Resnick, representing the applicant, offered to answer Council's questions.

Mr. Rayson opened the public hearing portion of the meeting. As no one spoke, Mr. Rayson closed the public hearing.

Council gave their disclosures on this item.

Vice-Mayor Crowley made a motion, seconded by Councilmember Luis, to approve. In a roll call vote, the vote was as follows: Mayor Paul - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 5-0)

Item to be tabled

6.7 **STAFF REQUESTING A TABLING TO JULY 29, 2009**

CAPITAL PROJECTS - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ADOPTING THE 5-YEAR CAPITAL PROJECTS PROGRAM FOR THE TOWN OF DAVIE FOR FISCAL YEARS 2010-2014. (tabled from June 3, 2009)

This item was tabled earlier in the meeting.

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7. APPOINTMENTS

7.1 Vice-Mayor Crowley

7.1.1 Green Energy and Environmental Committee (two exclusive appointments - terms expire April 2010)

No appointments were made.

7.1.2 Parks and Recreation Advisory Board (one exclusive appointment - term expires April 2010) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

No appointment was made.

7.2 Councilmember Luis

7.2.1 Green Energy and Environmental Committee (two exclusive appointments - terms expire April 2010)

Councilmember Luis appointed Clemencia Dobiecki.

7.2.2 Open Space Advisory Committee Agency (one exclusive appointment - term expires April 2010)

No appointment was made.

7.2.3 Senior Citizen Advisory Committee (one exclusive appointment - term expires April 2010) (members shall be a minimum 60 years of age)

No appointment was made.

7.3 Councilmember Starkey

7.3.1 Open Space Advisory Committee Agency (one exclusive appointment - term expires April 2010)

No appointment was made.

8. OLD BUSINESS

8.1 Bamford Press Box

Mr. Hyman explained that the design/build RFP had resulted in 16 responses which the selection committee had short listed to eight to make presentations. The top presentations had been selected and these had been sent to Council to choose from.

Mayor Paul preferred the modular design, but was aware that roof access had come up as a safety issue at the Parks and Recreation Advisory Board meeting regarding this design. Mr. Hyman stated that Council should not focus on the design because this would be negotiated with the contractor once Council selected one. Mr. Hyman said that the estimate for the modular design was approximately \$98,000. The concrete masonry structure estimate was approximately \$116,000.

Vice-Mayor Crowley made a motion, seconded by Councilmember Luis, to move the modular design forward. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Paul asked that this issue be moved forward as quickly as possible so it would be available for the upcoming football season.

Pete Dunne reminded Council that there was a proposal they had supported that included moving the 50-yard light pole. He wanted to be sure this was included in the project.

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8.2 Community Redevelopment Agency's purchase of the current Town Hall and construction of a new Town Hall

Vice-Mayor Crowley said that there had been a workshop with the CRA and they all agreed to move forward.

Vice-Mayor Crowley made a motion, seconded by Councilmember Luis, to direct Mr. Rayson and Mr. Shimun to work with the CRA to prepare an agreement to bring back to Council. In a voice vote, all voted in favor. (Motion carried 5-0)

8.3 Park City Community Hall

Mayor Paul indicated that she had heard from residents of Park City that this was not moving forward. She recommended a meeting between Mr. Quigley, the contractor, park management and the homeowner's association to resolve issues and get the project moving.

Mr. Quigley said that the project was still in the building permit stage and there was just an electrical issue. Mayor Paul asked Mr. Quigley to determine what the issue was and get the project moving.

9. NEW BUSINESS

9.1 Possible Purchase of Winn Dixie Site - Councilmember Caletka

Councilmember Caletka wanted to know how much this would cost.

Councilmember Luis felt this site was an anchor to downtown redevelopment and he thought it would be a mistake to make this a park. Councilmember Starkey agreed this was the wrong commercial site to consider for a park. Mayor Paul agreed.

Councilmember Starkey said that the CRA had done great job clearing and sodding the property, and recommended that they adopt an ordinance to require that any property vacant for six months or more must be cleared and sodded. Council agreed to move this suggestion forward.

9.2 Use of Open Space Bonds for Landscaping in Pine Island Ridge - Councilmember Caletka

Councilmember Caletka said that no revenue source had been identified for this, but Mr. Rayson had given them the green light to use open space and recreational monies for this purpose. Council agreed.

10. SCHEDULE OF NEXT MEETING

10.1 Reschedule July 29, 2009 Budget Workshop to July 27, 2009 or July 28, 2009

Mayor Paul announced that July 29th budget workshop needed to be rescheduled to July 27th or 28th. Council agreed to reschedule the budget workshop to July 27th at noon.

11. MAYOR/COUNCILMEMBER'S COMMENTS
COUNCILMEMBER STARKEY

LAY OFFS. Councilmember Starkey was concerned about the 28 employees who might be losing their jobs. She was offended that this was not brought back to Council to approve as an adjustment to their operating budget, as required by Charter. Councilmember Starkey said that the Charter stated that any budget shortfall in a department should be brought to Council's attention by the Town Administrator in a public forum where he should offer possible remedies. She said that this could be found on Page 12,

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Section 3. Councilmember Starkey agreed it was the Town Administrator's job to run the day-to-day operations of the Town, but she believed that any significant adjustment in the operational budget should be brought to Council.

Mr. Shimun clarified that there were no recommended reductions in the next fiscal year; the recommendations were for the current fiscal year. Most of the 11 positions that had been presented to Council at the budget workshop were vacant positions.

Councilmember Caletka referred to Section 6 of the Charter, which stated that the Administrative Department had "appointing and discharging authority of all employees of the Town of Davie..." Councilmember Starkey said that this was not the issue: the issue referred specifically to a reduction of appropriations. Revenue reduction to the Town necessitated a midyear adjustment.

Mayor Paul asked Mr. Rayson's opinion. Mr. Rayson thought Mr. Shimun had followed the Charter. He had reported that the deficit to Council and made a recommendation that included the elimination of certain positions. It was then up to Council to take further action as it deemed necessary to prevent or minimize a budget deficit.

VICE-MAYOR CROWLEY

COUNCIL HIATUS. Vice-Mayor Crowley reported that he had already taken his vacation and he would be available for the entire month of July.

COUNCILMEMBER CALETKA

POLICE COMPLAINT. Councilmember Caletka indicated that a resident had informed him that a Davie police officer had pulled in front of a motorist and cut him off in retaliation for the motorist's having done the same to another driver.

COUNCILMEMBER LUIS

SHENANDOAH FIRE STATION. Councilmember Luis stated that he had spoken with Mr. Fiske to use a portion of Western High School for the location of a rescue unit; however, in discussing this matter with Fire Chief Joseph Montopoli, this did not look like it would work. Councilmember Luis indicated that another property was being at favorably.

GOLF CART RULES. Councilmember Luis asked about the rules for using golf carts. Major Moyer responded that the law did not allow for this unless one lived in a golf community. The Town could permit the use in a neighborhood, but the area would then need to be marked for pedestrian crossings. He added that golf carts were not allowed on the local roads.

MAYOR PAUL

BROWARD COUNTY COMMISSION MEETING. Mayor Paul reminded Council that Broward County Commission's June 23rd meeting, the Commission would be presented with Davie's land-use amendment for the Transit Oriented Corridor. She asked Councilmembers to be present to show their support.

ORANGE STREET ESTATE SIGN MEETING. Mayor Paul wanted to schedule a meeting to resolve this. Councilmember Starkey said that she would be glad to attend.

MEMORIAL PROGRAM. Mayor Paul said that there was an overcrowding situation at the East Side Community Center. She remembered someone had recommended that the EASE Program move to a building on Davie Road Extension, and the Memorial Program could then move into that building. This

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way, both programs could continue to accommodate more children. Mayor Paul asked Mr. Shimun to work out the details. Redevelopment Administrator Will Allen said that they had agreed at their last meeting that there would be room in the Potter Park facility for both programs to operate. He did not feel the EASE building was large enough to accommodate all of the children.

Councilmember Caletka pointed out that, "This whole licensing stuff is just a figment of imagination." At his meeting with PAL representatives, it had been unanimous that the Memorial Program would relocate to the East Side Community Center. They had also conceded that they did not have a license for the PAL building. Mr. Allen said that at his meeting, it was agreed that both programs would be located at the Potter Park facility. PAL member Donna Evans said that there was a difference between licensing the facility and licensing program. Mr. Allen suggested they hold another meeting to address these issues.

12. TOWN ADMINISTRATOR'S COMMENTS

VACATION. Mr. Shimun announced that he would be on vacation for the next week.

HOUSE RULE 2454 LETTER OF SUPPORT. Mr. Shimun presented a draft copy of a letter of support that Mayor Paul wished Council to approve for sending to their Congressional delegation.

DEVELOPMENT CONFERENCE. Mr. Muniz announced that the Town of Davie, the Davie Economic Development Council and the Broward Alliance would hold a development conference at Nova Southeastern University on June 25th.

13. TOWN ATTORNEY'S COMMENTS

AGREEMENTS. Mr. Rayson stated that in his tenure in Davie, nothing had proved to be more problematic than agreements entered into by prior Councils. He listed several of these agreements, including the 1998 Park City annexation agreement that resulted in a 2008 ruling that the Town was responsible to maintain the median on SW 18 Street. The Town had appealed, and Mr. Rayson had recently received "a very terse two-line opinion" from the Circuit Court Judge stating that the partial summary judgment was affirmed. This related to the Town's agreement to maintain the roads when it annexed Park City. Park City asserted that since the plat showed that the road was 50 feet wide, this included the center median that must be landscaped.

Mr. Rayson asked Council if they wished to appeal this, or to accept the maintenance responsibility. Vice-Mayor Crowley felt the amount the Town had spent on attorney's fees fighting this matter could have been used to maintain the median for 20 years. He believed they should drop this issue and concentrate on other cases. Mr. Rayson estimated it would cost \$4,000 to take this to the next level in court. Councilmember Caletka remarked that it was not a large area, so it should not be expensive to maintain. Mayor Paul felt they should just agree to maintain the median and Councilmembers agreed.

14. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 9:25 p.m.

Approved_____

Mayor/Councilmember

Town Clerk